UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,764	03/22/2005	Calin Turcanu	60091.00384	4676

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EXAMINER
DOAN, PHUOC HUU

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/528,764	TURCANU, CALIN
	Examiner	Art Unit
	PHUOC H. DOAN	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 May 2006*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-18 have been considered but

are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims **1-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Pimentel in view of **Arques (US Pub No: 2004/0131083)**.

As to claim 1, Pimentel discloses a method of transmitting a messaging service

message from a sender in a first system having a first structure for messages to a

receiver of **a second system "multiple integrated networks, page 3, par. [0029]"**

having a second structure for the messages (page 2, par. [0014-0018]), the method

comprising utilizing a particular protocol, i.e **"means for choosing a protocol**

using a characteristic of the mobile terminated message..." in the transmission

of the message (page 2, par. [0017-0019], page 3, par. [0033]). However, Pimentel

does not disclose to utilize a <u>bearer independent protocol proving access to bearers</u>.

In the same field of endeavor, Arques discloses <u>to utilize bearer independent</u>

<u>protocol proving access to bearers</u> (page 1, par. [0008]). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made

to provide of utilizing a bearer independent protocol proving access to bearers as

taught by Arques to the system of Pimentel in order to allow reliable

telecommunication system.

As to claim 2, Pimentel further discloses a method according to claim 1, further

comprising: supporting the bearer independent protocol in a receiver's equipment;

receiving the message having the first structure in a server comprising an

application according to the bearer independent protocol (page 3, par. [0031-

0033]); converting the message to have a structure of the bearer independent

protocol (page 3, par. [0033]), and transmitting the converted message from the

server to the receiver's equipment using the bearer independent protocol (page 4,

par. [0036]).

As to claim 3, Pimentel further discloses a method according to claim 1, further

comprising: supporting the bearer independent protocol in a sender's equipment

(page 3, par. [0033]]); and transmitting the message from the sender's equipment to

the receiver's equipment using the bearer independent protocol (page 3, par. [0034-

0035]).

As to claim 4, 16, Pimentel further discloses further comprising: if the message

transmission to the receiver's equipment fails (page 3, par. [0033-0035]);

converting the message to have the second structure (page 3, par. [0033-0035]; and

transmitting the message to the receiver's equipment in the second structure (page

3, par. [0033-0035]).

As to claim 5, Pimentel further discloses a method according to claim 1, further

comprising: supporting the bearer independent protocol in the sender's equipment

(page 3, par. [0029]); sending the message from the sender's equipment according

to the bearer independent protocol (page 3, par. [0034]); receiving the message in a

server comprising an application according to the bearer independent protocol

(page 4, par. [0037-0039]); converting the received message from the bearer

independent protocol structure to the second structure (page 3, par. [0032-0033]);

and transmitting the converted message from the server to the receiver's equipment

(page 3, par. 0034-0035], page 4, par. [0036]).

As to claim 6, Pimentel further discloses a method according to claim 1 further

comprising: receiving the message having the bearer independent protocol

structure in a server comprising an application according to the bearer independent

protocol (page 3, par. [0030], [0034]); converting the message to have the second

structure (page 3, par. [0031-0033]); and transmitting the converted message from

the server to the receiver's equipment (page 3, par. 0034-0035], page 4, par.

[0036]).

As to claim 7, 17, Pimentel further discloses all the limitations of claim in page 3,

par. 0034], page 4, par. [0036].

As to claim 8, 18, Pimentel further discloses all the limitations of claim in page 4,

par. [0041] **"employ an IP interface to provision for UDP/IP services".**

As to claim 9, 13, Pimentel discloses a telecommunication system comprising at

least a first system having a first structure for messaging service messages (page 1,

par. [0003-0010]); a second system having a second structure for the messages

(page 1, par. [0010], page 2, par. [0014-0018]); and a server via which a message

is transmitted from the first system to the second system **"multiple integrated**

networks, page 3, par. [0029]" (page 3, par. [0030-0034]); the server being

configured to utilize a bearer independent protocol for transmitting the message

(page 3 through page 4, par. [0034-0039]). However, Pimentel does not disclose to

utilize a <u>bearer independent protocol proving access to bearers</u>.

In the same field of endeavor, Arques discloses <u>to utilize bearer independent</u>

<u>protocol proving access to bearers </u>(page 1, par. [0008]). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made

to provide of utilizing a bearer independent protocol proving access to bearers as

taught by Arques to the system of Pimentel in order to allow reliable

telecommunication system.

As to claim 10, Pimentel further discloses a telecommunication system according

to claim 9, wherein the first system comprises a network node having functionality

related to messaging services within the first system (page 3, par. [0030]), the

network node being configured to recognise the message sent to the second system

and forward the message to the server (page 3, par. [0031-0035]).

As to claim 11, Pimentel further discloses all the limitation of claim in page 4, par.

[0036-0039].

As to claim 12, Pimentel further discloses a telecommunication system according

to claim 9 wherein the system comprises another server configured to utilize a

bearer independent protocol for transmitting the message (page 3, par. [0033]), one

of the servers being a first server (via which the message is transmitted from a

sender in the first system to the second system and the other one being a second

server via which the message is transmitted from the first system towards a

receiver in the second system ("SMS-C1, SMS-C2, SMS-CN; and

APPLICATION1, APPLICATION2 of BACKEND SYSTEM 84", Fig. 5), the

first server is configured, in response to receiving the message having the first

structure, to convert the message to have a structure according to the bearer independent protocol, and send the converted message to the second server, and the second server is configured, in response to receiving the message having a structure according to the bearer independent protocol, to convert the message to have the second structure before forwarding the message to the receiver (See the process of steps the short messages "SM" page 3, par. [0029-0035], page 4, par. [0036-0040]).

As to claim 14, Pimentel further discloses a server according to claim 13, wherein the server is configured (page 4, par. [0039]), in response to receiving the message having the first structure (page 3, par. [0035]), to convert the message to have a structure according to the bearer independent protocol before forwarding the message (page 4, par. [0036]).

As to claim 15, Pimentel further discloses a server according to claim 14, wherein the server is configured (page 3, par. [0030-0033]), in response to receiving a message having a structure according to the bearer independent protocol (page 3, par. [0034]), to convert the message to have the second structure before forwarding the message (page 4, par. [0036]).

Conclusion

4.   Applicant's amendment necessitated the new ground(s) of rejection

presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as
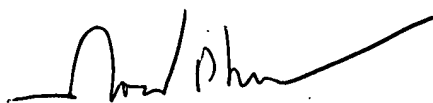
set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the

advisory action is not mailed until after the end of the THREE-MONTH shortened

statutory period, then the shortened statutory period will expire on the date the

advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will

be calculated from the mailing date of the advisory action. In no event, however,

will the statutory period for reply expire later than SIX MONTHS from the date of

this final action.

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to PHUOC H. DOAN whose telephone number is

571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, GEORGE ENG can be reached on 571-272-7495. The fax

phone number for the organization where this application or proceeding is assigned

is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system,

contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to

the automated information system, call 800-786-9199 (IN USA OR CANADA) or

571-272-1000.

Phuoc Doan
07/02/06

GEORGE ENG
SUPERVISORY PATENT EXAMINER